

REMARKS

Applicant would like to thank Examiners Lu and Shirama for the telephone interview held April 12, 2004. In that interview, the elements of claim 1 were discussed in relation to the main Braden-Harder reference, described below. Specifically, the discussion focused on which elements were performed by a machine and which included user involvement. Examiner Lu agreed that the prior art of record does not include elements which involve user feedback, user input, in relation to context information as in the claimed invention. Consequently, Applicant has amended claims 1, 2, 13, 17, 18, 29, and 31 of this application to clarify this aspect of the invention and place the case in condition for allowance.

Claims 1-7, 12-23, and 28-32 are pending in the case. The Examiner rejected claims 1-2, 13-14, 17-18, and 29-32 under 35 U.S.C. §102(e) as being unpatentable in view of U.S. Patent No. 5,933,822 to Braden-Harder (hereinafter "Braden-Harder"). The Examiner rejected claims 3, 15, and 19 under 35 U.S.C. §103(a) as being unpatentable in view of Braden-Harder and U.S. Patent No. 6,473,751 to Nikolovska (hereinafter "Nikolovska") and U.S. Patent No. 5,675,819 to Schuetze (hereinafter "Schuetze"). The Examiner rejected claims 4-7, 16, 20-23, 25, and the various multiple dependent combinations under 35 U.S.C. §103(a) in view of Braden-Harder, Nikolovska, and U.S. Patent Publication No. 2002/0156763 to Marchisio (hereinafter "Marchisio").

The Examiner rejected claims 12 and 28 under 35 U.S.C. §103(a) as being unpatentable in view of Braden-Harder, Nikolovska, and U.S. Patent No. 6,014,664 to Fagin et al. (hereinafter "Fagin"). The Examiner rejected claims 1/2/3/6, 17/19/22, 1/2/3/6/7 under 35 U.S.C. §103(a) in view of Braden-Harder, Nikolovska, Schuetze, and Marchisio.

Applicant has amended claims 1, 2, 13, 17, 18, 29, and 31. All changes were made without adding any new matter. The pending claims, as amended, are believed to be in condition for allowance, and applicant respectfully requests the prompt allowance of claims 1-7, 12-23, and 28-32.

REJECTION OF CLAIMS 1-2, 13-14, 17-18, AND 29-32 UNDER 35 U.S.C. §102(e)

The Examiner rejected claims 1-2, 13-14, 17-18, and 29-32 under 35 USC §102(e) in view of Braden-Harder. Applicant has amended claims 1-2, 13, 17, 18, 29, and 31. Specifically, in accordance with the suggestion made by the Examiner in the recent telephone interview, Applicant has clarified the gathering of user feedback, rank criterion, from a user. The user reviews the context information and ranks the search results based on the context the user is interested in. Then, the results are ranked using this rank criterion. As indicated by the Examiner, this aspect is not taught or suggested by Braden-Harder. Therefore, Applicant respectfully submits that these amended claims as well as all dependent claims are allowable over the rejection under 35 U.S.C. §102(e).

Braden-Harder teaches generating of logical forms from a user query and from the documents in a result set. Braden-Harder then ranks the result set based on the logical forms of the documents and the query. The process of Braden-Harder is fully automated and does not involve the user once an initial query is provided. In contrast, the claimed invention includes user feedback to provide rank criterion which is then used to rank the result set. In this manner, the result set becomes ranked according to a context of interest to the user without requiring the user to open documents of the result set and scan the contents to determine the context.

The Applicant has recognized a problem with these approaches. *See* Specification page 4, lines 9-18. Typically, the query is very short and consequently offers little to filtering and ranking operations as performed in Braden-Harder and Schuetze. The Applicant has addressed this problem by involving the user in the ranking and re-ranking of the documents. In addition, contextual information drawn from the documents is used to efficiently rank, weight, and re-rank documents in the result set.

It is well settled that under 35 U.S.C. §102 “an invention is anticipated if . . . all the claim limitations [are] shown in a single art prior art reference. Every element of the claimed invention must be literally present, arranged as in the claim. The identical invention must be shown in as complete detail as is contained in the patent claim.” *Richardson v. Suzuki Motor Co., Ltd.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Applicant finds no suggestion or teaching in Braden-Harder of “gathering at least one rank criterion from the user for the context information.” This is in agreement with the suggestions made by the Examiner in the recent telephone interview. Therefore, Applicant respectfully submits that these amended claims, as well as all dependent claims are patentable over Braden-Harder under 35 U.S.C. §102(e).

REJECTION OF CLAIMS 3-7, 12, 15, 16, 19, 20-23, 25, and 28 UNDER 35 U.S.C. §103(a)

The Examiner rejected claims 3-7, 12, 15, 16, 19, 20-23, 25, and 28 under 35 U.S.C. §103(a) in view of Braden-Harder, Nikolovska, Schuetze, Marchisio, and Fagin. Applicant respectfully traverses this rejection.

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. See MPEP § 2142. To establish a *prima facie* case of obviousness, the combination of the prior art references must teach or suggest all the claim limitations. *See id.*

Applicant respectfully asserts that Braden-Harder, Nikolovska, Schuetze, Marchisio and Fagin fail to teach or suggest all the claim limitations of the amended independent claims 1, 13, and 17. Specifically, the references fail to teach or disclose “gathering at least one rank criterion from the user for the context information,” or “ranking the documents, based at least in part on the at least one rank criterion” as recited in the amended independent claims. These elements or other similar elements were originally in claims 8, 9, 10, 24, 25, and 26. The references fail to teach or disclose involving a user in the ranking or re-ranking of documents in a result set.

The Examiner relies heavily on Braden-Harder to reject independent claims 1, 13, and 17 under 35 U.S.C §102(e) and then relies on this argument in support of a rejection of claims 3, 8, 15, 19, and 24 without specifically providing evidence of teachings or suggestions of “gathering at least one rank criterion from the user for the context information,” in Braden-Harder, Nikolovska, Schuetze, Marchisio or Fagin.

As discussed above, Braden-Harder teaches a fully automated retrieval and ranking process. Nikolovska, Schuetze, Marchisio and Fagin also fail to teach the aspect of user involvement in determining how the result set is ranked.

Nikolovska, the next most relied upon reference by the Examiner, teaches a user interface for querying and displaying records from a database. In building the queries, Nikolovska uses a physical metaphor. Once again, Nikolovska like Braden-Harder and the other prior art teach user involvement in building a query, but not in ranking results based on context information. In these prior art references a user must examine multiple records in the result set and then determine if the query is producing a result set having the desired context. If, not a new query is provided by the user, generally including more terms. The claimed invention avoids this problem and facilitates locating of result set records without subsequent queries of the database.

Because Braden-Harder, Nikolovska, Schuetze, Marchisio and Fagin fail to provide any teaching or suggestion of the element of “gathering at least one rank criterion from the user for the context information,” or “ranking the documents, based at least in part on the at least one rank criterion”, Applicant respectfully asserts that claims 3-7, 12, 15, 16, 19, 20-23, 25, and 28 are allowable.

Applicant asserts that because the Examiner has not provided evidence of teaching or suggestion of gathering and using information from the user to rank and re-rank the documents, the Examiner has also failed to provide evidence of why one of skill in the art would select the prior art references or combine them. Therefore, this further supports Applicant’s assertion that claims 3-7, 12, 15, 16, 19, 20-23, 25, and 28 are allowable 35 U.S.C. §103(a) over the prior art of record.

In view of the foregoing, Applicant submits that the application is in condition for immediate allowance. In the event any questions or issues remain that can be resolved with a phone call, the Examiner is respectfully requested to initiate a telephone conference with the undersigned.

Respectfully submitted,

A handwritten signature in cursive script, reading "David J. McKenzie", written over a horizontal line.

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